

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

Case Number: 13-cv-1373

-X

ACE INVESTORS, LLC,

**Plaintiff/Petitioner/Appellee,**

**Second Circuit Docket Nos.:**

-against-

13-1632

13-2264

MARGERY RUBIN, AS TRUSTEE OF THE  
RUBIN FAMILY IRREVOCABLE STOCK  
TRUST,

Defendant/Respondent/Appellant,

**FIRST AMENDED  
NOTICE OF APPEAL**

ROBERT RUBIN, Individually; MARGERY RUBIN, Individually; MARGERY RUBIN, AS TRUSTEE OF THE RUBIN FAMILY IRREVOCABLE MARITAL TRUST; MARGERY RUBIN, AS TRUSTEE OF THE RUBIN FAMILY IRREVOCABLE REALTY TRUST.

### Transferees/Appellants.

-X

**NOTICE IS HEREBY GIVEN** that Margery Rubin, Individually; Margery Rubin, as Trustee of the Rubin Family Irrevocable Stock Trust; Margery Rubin, as Trustee of the Rubin Family Irrevocable Marital Trust; Margery Rubin, as Trustee of the Rubin Family Irrevocable Realty Trust; and, Robert Rubin, Individually, as Defendants/Appellants, do hereby amend their notice of appeal to appeal to the United States Court of Appeals for the Second Circuit from: (a) the Order and Judgment of the Honorable Victor Marrero, United

States District Judge, entered in this action on April 23, 2013 (Docket No.: 30); (b) the Order and Judgment of the Honorable Victor Marrero, dated May 8, 2013 and entered on May 9, 2013 (Docket Nos.: 45 and 46); and, (c) the Order of the Honorable Victor Marrero, entered on August 20, 2013 denying their motion, timely made pursuant to Rule 4(a)(4)(A)(vi) of the Federal Rules of Appellate Procedure for an order, under Rule 60(b)(3) of the Federal Rules of Civil Procedure, seeking to vacate the Order and Judgment made and entered in this action on April 23, 2013, and from every part of each of the said Orders and Judgments.

Dated: New York, New York  
August 21, 2013

MASSOUD & PASHKOFF, LLP  
Attorneys for Defendants/  
Respondents/Appellants

By:

Ahmed A. Massoud, Esq.  
AAM:5361  
1700 Broadway, 41<sup>st</sup> Floor  
New York, New York 10019  
(212) 207-6771  
amassoud@maspaslaw.com